

PROPOSAL NO. 620, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 620, 2003 on November 10, 2003. The proposal, sponsored by Councillors Langsford and Horseman, pertains to off-premises outdoor advertising signs within Marion County (03-AO-04) (Certified October 20, 2003). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Langsford moved, seconded by Councillor Horseman, for adoption. Proposal No. 620, 2003 was adopted on the following roll call vote; viz:

*25 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford*  
*4 NAYS: Coonrod, Coughenour, Dowden, Massie*

Proposal No. 620, 2003 was retitled GENERAL ORDINANCE NO. 111 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 111, 2003

PROPOSAL FOR A GENERAL ORDINANCE to amend the portions of the Sign Regulations pertaining to off-premises outdoor advertising signs.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 734-306 of the "Revised Code of the Consolidated City and County," regarding off-premises outdoor advertising signs, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

**Sec. 734-306. Off-premises (outdoor advertising) signs.**

(a) *General regulations.* The following regulations shall pertain to off-premises signs (also known as outdoor advertising signs) in all districts where permitted by section ~~734-500, Table D 734-306, Table 3.06-D~~: Also, refer to section 734-403(c), signs on freeways and expressways, for additional requirements.

(1) *Proportional regulations.* The size of an outdoor advertising sign on a lot shall not exceed the size specified in the following table:

TABLE 3.60-A PROPORTIONAL REGULATIONS	
Lot Size (In square feet)	Maximum Sign Dimensions (Vertical by Horizontal)
Up to 10,000	6 ft. by 12 ft.
10,000+ - 20,000	12 ft. by 12 ft.
20,000+ - 43,560	12 ft. by 25 ft.
43,560+	10.5ft. by 36 ft.*
43,560+	or 12 ft. by 50 ft.
43,560+	or 14 ft. by 48 ft.*

NOTE\* plus extensions as defined in section 734-501.

Extensions. Elements of an outdoor advertising sign may be permitted to extend beyond the horizontal or vertical sign edge. The maximum length of an extension shall not be greater than four feet beyond the top edge of the sign and one foot along all other sign edges. The maximum width of an extension shall not be greater than 45% of the linear length of the horizontal or vertical dimension of the outdoor advertising sign (See Extension Table 3.60-B below and refer to Extension Diagram 35).

TABLE 3.60-B EXTENSIONS				
Sign Size (Feet)	Maximum Extension Length (Top) (Feet)	Maximum Extension Length (Sides and Bottom) (Feet)	Sign Dimension (Feet)	Extension Width (Feet)
10.5 by 36	4	1	10.5	4.725
			36	16.2
14 by 48	4	1	14	6.3
			48	21.6

- (2) Outdoor advertising sign size. The face of an outdoor advertising sign shall not be greater than fourteen (14) feet in vertical dimension nor greater than fifty (50) feet in horizontal dimension, except where specifically regulated by section 734-403 and shall not contain more than two (2) advertising signs per facing.
- (3) Flashing, intermittent or moving lights. No advertising sign shall be permitted which contains, includes, or is illuminated by a flashing, intermittent or moving light or lights.
- (4) Animation. No advertising sign shall be permitted which has animated or moving images.
- (5) Advertising sign faces consisting of three or less panels that rotate to present a single fixed display at a time, commonly known as Tri-vision signs, are permitted, provided that the rotation of one display to another is no more frequent than every fifteen (15) seconds.
- (6) Video, LED, (Light Emitting Diode), LCD (Liquid Crystal Display) or electrically powered. No advertising sign shall be permitted which displays video or emitting graphics.
- (3)(7) Distance between outdoor advertising signs. Except as otherwise provided for signs in the protected areas along highways, freeways and expressways (see section 734-403), the minimum distance between outdoor advertising signs shall be as specified below. The applications of these provisions are illustrated in Diagrams 18 and 19:
  - a. Linear spacing between outdoor advertising signs. The minimum distance between outdoor advertising signs located along and oriented toward the same public street shall be one thousand (1,000) feet (refer to Diagram 18), subject to the following:
    1. The spacing requirement shall be applied regardless of whether the signs are on the same side of the street.
    2. The spacing requirement shall be applied continuously along a street to all signs oriented toward that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting street.
    3. For purposes of applying the spacing requirement to outdoor advertising signs, pole, roof, wall, ground and projecting signs shall be treated the same, whether double-faced or single-faced.
    4. Outdoor advertising signs located at the same intersection are not in violation of the minimum spacing requirement specified in this section because of their nearness to one another if they are located so that their messages are directed toward traffic flowing in different directions.
  - b. Radial spacing between outdoor advertising signs. In no event shall any point of an outdoor advertising sign or sign structure be closer than five hundred (500) one thousand

(1,000) feet from any point of any other outdoor advertising sign or sign structure, regardless of location or orientation. (The application of this provision is illustrated in Diagram 19.)

- e. Method of measurement. ~~The method of measurement of the spacing between outdoor advertising signs oriented toward the same street shall be along the center line of the street to which the sign is oriented from the point in the streets' center line closest to the leading edge of the sign. (The application of this provision is illustrated in Diagram 18.)~~

(4)(8) Outdoor advertising signs adjacent to protected districts. ~~No outdoor advertising sign shall be located within two hundred fifty (250) feet of any protected district fronting on the same street to which the sign is oriented measured along the center line of the street to which the sign is oriented from the point in the streets' center line that is closest to the leading edge of the sign. In no case, however, shall any outdoor advertising sign be located within one hundred (100) feet of any protected district measured in any direction. In no event shall any point of an outdoor advertising sign be closer than three hundred (300) feet from a protected district. For the purposes of this section, a protected district shall include any dwelling district, parks district, university quarter district, SU-1 (church) district or SU-2 (school) district. (The applications of these provisions are illustrated in Diagram 20.)~~

(5)(9) Outdoor advertising signs inside I-465. ~~No portion of an outdoor advertising sign shall be erected or otherwise located within six hundred sixty (600 660) feet of the right-of-way of a freeway or expressway, as herein defined, located within the entire area circumscribed by the interior right-of-way line of the Outer Belt Freeway commonly identified as I-465, so as to be oriented to traffic on such freeway or expressway. (The application of these provisions is illustrated in Diagram 21.)~~

(6)(10) Signs on freeways and expressways. In addition to the requirements of this section, outdoor advertising signs shall further comply with section 734-403 when located on freeways and expressways.

(7)(11) Roof top outdoor advertising signs. Roof top outdoor advertising signs shall not be permitted in any zoning district.

(12) Advertising sign on or appurtenant to buildings. ~~Advertising signs shall not be located on, above or below any portion of principal buildings (as defined in section 734-501).~~

(8)(13) Outdoor advertising sign setback. Signs or sign structures shall be set back in accordance with the building setback lines required by the applicable zoning district. Advertising signs shall not be eligible for setback averaging exceptions. (See Setback Table 3.60 - C below).

TABLE 3.60-C SETBACK			
Zoning District	Freeways	Primary/Secondary	Collector/ Local Streets
Commercial Districts	60 feet	10 feet from proposed R.O.W.	10 feet from proposed R.O.W.
Industrial Urban Districts	60 feet	30' from proposed R.O.W.	20' from proposed R.O.W.
Industrial Suburban Districts	60 feet	30' from proposed R.O.W.	50' from proposed R.O.W.

(9)(14) Maximum and minimum height of outdoor advertising signs and sign structures.

- The maximum height of signs and sign structures shall not exceed forty (40) feet above grade level at the base of such sign or sign structure, ~~subject to the height exception of section 734-205, sign height exception.~~
- No outdoor advertising sign or sign structure (except for the supports, building, structure or column) shall be at its lowest point less than nine (9) feet above grade level. Ground signs, where permitted, shall not exceed four (4) feet in height above grade level.

(10)(15) Construction of outdoor advertising signs. The supports, uprights, bracing and framework of an outdoor advertising sign shall be of steel construction.

(16) Districts permitted and allowable square footage. (Refer to Table 3.60 - D.)

TABLE 3.60-D DISTRICTS PERMITTED

Zoning Classification	Dwelling	Commercial				Industrial	Special Use	CBD/RC
District	All Districts	C-1, C-2	C-3, C3C	C-4, C-5, C-6, C-7, C-ID	C-S	All Districts	All Districts	All Districts
Maximum Square Footage	NP	NP	378 *	672 *	NP	672*	NP	NP
<b>Key/Note:</b> <b>NP: Not Permitted</b> <ul style="list-style-type: none"> <li>* Extensions available if requirements met</li> <li>Advertising signs shall not be permitted in HP-1 Districts</li> </ul>								

(b) ~~Additional regulations for outdoor advertising signs located in the D-A (Dwelling-Agriculture) District. In addition to the regulations of section 734-306(a), the following regulations shall pertain to outdoor advertising signs in the D-A (Dwelling-Agriculture) District:~~

- (1) ~~Proportional regulations.~~ Outdoor advertising signs are permitted on a lot provided that the size of an advertising sign shall not exceed: five (5) percent of the ground floor area of the principle one-story building located on the same lot; three (3) percent of the floor area of the principle two-story building located on the same lot; two and one-half (2.5) percent of the floor area of the principle three- or more story building located on the same lot; or the size specified in Table 3.60-A, whichever allows the greater size sign.

- (2) ~~Number of sign structures permitted and standards.~~ One (1) outdoor advertising sign structure shall be permitted on a lot having a minimum frontage of five hundred (500) feet; provided, however, that:

- a. ~~No dwelling unit other than the principal homestead is within one thousand (1,000) feet of the sign structure, and provided further, that if a dwelling structure is subsequently erected within one thousand (1,000) feet of such sign structure, such sign structure shall be removed within thirty (30) days after the start of construction of the dwelling.~~
- b. ~~The full face of the sign can be viewed along the line of travel to which it is exposed for a distance of at least five hundred (500) feet along the center line of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's center line; provided, however;~~
- c. ~~In the case of a sign parallel (or within twenty (20) degrees of parallel) to a one-way street, the required viewing distance shall be at least eight hundred (800) feet;~~
  1. ~~In the case of a sign which is from three (3) to twenty (20) degrees of parallel to a two-way street, the required viewing distance shall be at least eight hundred (800) feet;~~
  2. ~~In the case of a sign parallel (or within three (3) degrees of parallel) to a two-way street, the required viewing distance shall be at least five hundred (500) feet in each direction; (in the case of a sign so placed that it can be viewed from more than one (1) street, the above viewing distance requirements shall be applicable to only one (1) street).~~
- d. ~~If a sign is erected in conformance with this article and subsequently the view of the full face of the sign at any point described in subsection (b)(2)b. above is materially obstructed, such sign shall be removed in accordance with section 734-204(f). (An obstruction shall be deemed to be of material character when it renders the essential elements of the sign unreadable.)~~

(c) ~~Additional regulations for outdoor advertising signs located in commercial or industrial districts. In addition to the regulations of subsection (a) above, the following regulations shall pertain to outdoor advertising signs in commercial or industrial districts:~~

- (1) ~~Proportional regulations.~~ Outdoor advertising signs are permitted on a lot having a frontage of less than four hundred (400) feet provided such lot complies with the minimum frontage requirements of that district. One (1) additional advertising sign structure shall be permitted

for each four hundred (400) feet of frontage in excess of four hundred (400) feet, provided that there is compliance with all other applicable requirements contained herein. The size of an advertising sign shall not exceed: five (5) percent of the ground floor area of the principle one-story building located on the same lot; three (3) percent of the floor area of the principle two-story building located on the same lot; two and one half (2.5) percent of the floor area of the principle three or more story building located on the same lot; or the size specified in Table 3.60 A, whichever allows the greater size sign.

(d) *Additional regulations for outdoor advertising signs located in the Central Business Districts CBD 1, CBD 2, and CBD 3.* In addition to the regulations of subsection (a) above, the following regulations shall pertain to outdoor advertising signs in the Central Business Districts (CBD 1, CBD 2, CBD 3):

(1) *Permitted areas within districts:*

a. *CBD 1 District.* Permitted in Central Business District One (CBD 1) provided the lot on which such advertising sign is located abuts one (1) of the following streets:

1. Washington Street, except between Illinois and Pennsylvania Streets.
2. Ohio Street, except between Illinois and Pennsylvania Streets.
3. Pennsylvania Street, except between Washington and Ohio Streets.
4. Illinois Street, except between Washington and Ohio Streets.
5. New York Street, except between Meridian and Pennsylvania Streets.
6. Delaware Street.
7. Maryland Street.
8. Capitol Avenue.
9. Indiana Avenue.
10. Massachusetts Avenue.
11. Kentucky Avenue.
12. Virginia Avenue.

b. *CBD 2 District.* Permitted in Central Business District Two (CBD 2).

c. *CBD 3 District.* Permitted in Central Business District Three (CBD 3), provided such advertising sign is not located within two hundred fifty (250) feet of the right of way of the following streets:

1. North Meridian Street.
2. North Pennsylvania Street.

(2) *Proportional regulations.* Outdoor advertising signs are permitted on a lot provided that the size of an outdoor advertising sign shall not exceed: five (5) percent of the ground floor area of the principle one-story building located on the same lot; three (3) percent of the floor area of the principle two-story building located on the same lot; two and one half (2.5) percent of the floor area of the principle three or more story building located on the same lot; or the size specified in Table 3.60 A, whichever allow the greater size sign.

(3) *Outdoor advertising sign size.* The face of an outdoor advertising sign shall not be greater than fourteen (14) feet in vertical dimension nor greater than fifty (50) feet in horizontal dimension, except where specifically regulated by section 734.403 and shall not contain more than two (2) advertising signs per facing (see exception noted in subsection (d)(5) (below).

(4) *Number of sign structures permitted and standards.* One (1) outdoor advertising sign structure may be erected on each street frontage on a lot. Provided, however, that:

a.—The full face of the sign can be viewed along the line of travel to which it is exposed for a distance of at least two hundred fifty (250) feet along the center line of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's center line. Provided, however:

1.—In the case of a sign parallel (or within twenty (20) degrees of parallel) to a one-way street, the required viewing distance shall be at least four hundred (400) feet.

2. ~~In the case of a sign which is from three (3) to twenty (20) degrees of parallel to a two-way street, the required viewing distance shall be at least four hundred (400) feet.~~

3. ~~In the case of a sign parallel (or within three (3) degrees of parallel) to a two-way street, the required viewing distance shall be at least two hundred fifty (250) feet in each direction.~~

4. ~~In the case of a sign so placed that it can be viewed from more than one (1) street, the above viewing distance requirements shall be applicable to only one (1) street.~~

b. ~~If a sign is erected in conformance with this article and subsequently the view of the full face of the sign at any point described in subsection (d)(4)a. is materially obstructed, such sign shall be removed in accordance with section 734-304(f). (An obstruction shall be deemed to be of a material character when it renders the essential elements of the sign unreadable.)~~

(5) ~~Increased dimension of sign face. The vertical dimension of the sign face may be increased to eighteen (18) feet, provided the required viewing distance in subsection (d)(4) above is increased to five hundred (500) feet and such facing contains only one (1) sign, and the sign is perpendicular or within fifteen (15) degrees of being perpendicular to the frontage street.~~

(6) ~~Viewing distance for wall signs. Outdoor advertising signs or sign structures attached to the wall of a building shall be regulated in accordance with subsection (d)(3), (4) and (5) above, except that the required viewing distance shall be increased by a distance equal to the amount by which the height of such sign or sign structure exceeds forty (40) feet (measured from the grade level of the building to which the sign is attached to the highest part of such sign or sign structure).~~

SECTION 2. Section 734-403 of the "Revised Code of the Consolidated City and County," regarding off-premises outdoor advertising signs, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

**Sec. 734-403. Signs on freeways and expressways.**

All signs within six hundred sixty (660) feet of the right-of-way of freeways and expressways, as shown on the Official Thoroughfare Plan for Marion County, as adopted by the Metropolitan Development Commission, shall comply with the requirements of this section in addition to all other provisions of this chapter.

(a) *Permitted signs.* Unless prohibited by local, state or federal law, erection or maintenance of the following signs shall be permitted in protected areas, as defined in section 734-501:

(1) *Official signs.* Directional or other official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in local, state, or federal law, for the purpose of carrying out an official duty or responsibility.

(2) *On-premises (business) signs.* However, not more than one (1) freestanding identification sign shall be permitted to be located on each premises.

(3) *Off-premises (advertising) signs.*

(b) *General provisions.* No off-premises signs shall be permitted to be erected or maintained in any manner inconsistent with the following:

(1) *Flashing, intermittent or moving lights.* No sign shall be permitted which contains, includes, or is illuminated by a flashing, intermittent or moving light or lights.

- (2) *Animation.* No sign shall be permitted which moves or has any animated or moving parts.
- (3) *Rotating, louvered (Vertical and or Horizontally), moving or other elements.* Advertising signs with rotating, louvered (vertical and/or horizontally), moving parts or elements shall not be permitted.
- (4) *Video, LED (Light Emitting Diode), LCD (Liquid Crystal Display) or electrically powered.* No sign shall be permitted which displays video or emitting graphics.
- (3)(5) *Measurement of distance.*

a. ~~The distance from the edge of a right of way shall be measured horizontally along a line normal or perpendicular to the center line of the freeway or expressway.~~

b. All dimensions parallel to the alignment of the freeway or expressway shall be measured along the center line of the freeway or expressway between two (2) vertical planes which are normal or perpendicular to and intersect the center line of the freeway or expressway, and which pass through the termini of the measured distance.

(c) *Regulations for off-premises (advertising) signs.*

(1) *Off-premises signs within informational sites.* If the Indiana Department of Transportation (IDOT) constructs an informational site (as defined in section 734-501), on the freeway system in Marion County, control over off-premises signs within such site shall be the responsibility of that Department.

(2) *Off-premises signs outside of informational sites.*

a. The erection or maintenance of the following signs shall be permitted within protected areas outside of informational sites: off-premises signs which are oriented located within six hundred sixty (660) feet of a freeway or expressway, as herein defined.

b. The erection or maintenance of off-premises signs permitted under paragraph a. of this subsection shall not be permitted in any manner inconsistent with the following:

1. ~~Sign number: In protected areas in advance of an intersection of the main traveled way of a freeway or expressway and an exit roadway, such signs visible to traffic on the main traveled way approaching such intersection shall not be permitted to exceed:~~

**Distance from**

**Intersection** \_\_\_\_\_ **Maximum Number**

0 - 1,500 feet \_\_\_\_\_ 0

Over 1,500 feet \_\_\_\_\_ 2 per mile

The specified distances shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main traveled way of the freeway or expressway (refer to Diagram 26).

21. *Sign spacing:* Subject to the other provisions of this subsection (c), ~~not more than two (2) such signs shall be permitted within any one mile distance measured from any point, and no such signs shall be permitted to be less than one thousand (1,000) feet apart.~~ within protected areas adjacent to freeway or expressway rights-of-way, no part of any off-premise sign structure shall be located within one thousand five hundred (1,500) feet of any other off-premises sign structure located adjacent to said freeway or expressway. Said one thousand five hundred (1,500) feet distance shall be measured linearly along the centerline of the freeway or expressway. (The application of this provision is illustrated in Diagrams 26 and 27).

32. *Maximum sign dimensions:* The maximum size of any sign shall not exceed ~~twelve (12) feet in vertical dimension and twenty five (25) fourteen (14) feet in vertical~~



dimension and forty-eight (48) feet in horizontal dimension. (Plus extensions as defined in section 734-501.)

43. *Sign setback:* Signs shall not be located closer than sixty (60) feet to the right-of-way of the freeway or expressway.
54. *Sign clearance:* Signs shall not be less than nine (9) feet above grade level at the lowest point, except for the supporting structure.
65. *Maximum sign height:* The maximum height of signs and sign structures shall not exceed forty (40) feet above grade level at the base of such sign structure.
76. *Entrance or exit roadway limitation:* Signs shall not be permitted in protected areas adjacent to any freeway or expressway right-of-way upon any part of the width of which is constructed an entrance or exit roadway. No sign shall be permitted within five hundred (500) feet from the point of intersection between the traveled way of such entrance or exit roadway and the main traveled way of the freeway or expressway. Said five hundred (500) feet distance shall be measured to the nearest point of the intersection of the traveled way of the entrance or exit roadway and the main-traveled way of the freeway or expressway (Refer to Diagram 26).
8. ~~*Entrance roadway limitation:* Signs visible to freeway or expressway traffic which is approaching or has passed an entrance roadway shall not be permitted in protected areas for one thousand (1,000) feet beyond the furthest point of the intersection between the traveled way of such entrance roadway and the main-traveled way of the freeway or expressway (refer to Diagram 27).~~

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 621, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 621, 2003 on November 10, 2003. The proposal, sponsored by Councillors Langsford and Nytes, approves the amounts, locations, and programmatic operation for certain projects to be funded from the Community Development Grant Funds for 2004. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gibson commended Julie Slaughter, administrator of the Community Development Division of DMD, and her staff and said that he appreciates the way they have helped youthful offenders in this process.

Councillor Massie said that he will vote against the proposal on principle, because he believes if these programs are important enough that taxpayer monies should be devoted to them, then they should be supported on the local level and not through federal monies.

Councillor Langsford moved, seconded by Councillor Nytes, for adoption. Proposal No. 621, 2003 was adopted on the following roll call vote; viz: